

EL

Notice of Allowability

Application No.

10/666,552

Applicant(s)

APEL ET AL.

Examiner

David Y. Chung

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 21 May 2007.
2. ☒ The allowed claim(s) is/are 1,2,4-12 and 23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 17 July 2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 2, 4-12 and 23, drawn to a power amplifier circuit comprising:
first and second amplifiers each having first and second subsections, and
a bias control circuit enabling certain subsections to operate in linear
mode during a low power mode, and enabling all subsections to operate in
linear mode during a high power mode, classified in class 330, subclass
134.
- II. Claims 13-22, drawn to a method of amplifying an input signal comprising:
providing an input signal to a first amplifier operating in linear mode and
providing a delayed input signal to a second amplifier operating in linear
mode, classified in class 330, subclass 124R.

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process of Invention II does not require several features of the apparatus of Invention I. For example, the process of Invention II does not require the two amplifiers to have first and second subsections or a bias control circuit that

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enables certain subsections during low power mode while enabling all subsections during high power mode.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Joseph Pugh on September 21, 2007 a provisional election was made without traverse to prosecute Invention I, claims 1, 2, 4-12 and 23. Claims 13-22 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

EXAMINER'S AMENDMENT

This application is in condition for allowance except for the presence of claims 13-22 directed to an invention non-elected without traverse. Accordingly, claims 13-22 have been cancelled.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: none of the prior art taught or suggested a power amplifier circuit comprising: first and second amplifiers each having first and second subsections; a bias control circuit configured to


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enable certain subsections to operate in linear mode during a low power mode and
enable all subsections to operate in linear mode during a high power mode.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Y. Chung whose telephone number is (571) 272-2288. The examiner can normally be reached Monday thru Friday from 8:30 am to 5:00 pm. If successive attempts to contact the examiner are unsuccessful, the examiner's supervisor David C. Nelms can be reached at (571) 272-1787.


David Nelms
Supervisory Patent Examiner
Technology Center 2800

David Y. Chung
GAU 2871
09/21/07